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14 and the Putative Classes

15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 CHRISTOPHER NELSON, on behalf of
18 himself and all others similarly situated,

19 Plaintiff,
20 vs.

21 WAL-MART ASSOCIATES, INC., and
22 DOES 1 through 50, inclusive,

23 Defendant(s).

24 Case No.: 3:21-cv-00066-MMD-CLB

25 **STIPULATION AND ORDER FOR AN**
26 **EXTENSION OF TIME TO FILE**
27 **MOTION FOR CIRCULATION OF**
28 **NOTICE PURSUANT TO 29 U.S.C. §**
29 **216(b); STIPULATION AND ORDER TO**
30 **SET DEADLINE FOR F.R.C.P. RULE 23**
31 **CLASS CERTIFICATION**

32 **(First Request)**

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1 Pursuant to LR IA 6-1 and 6-2, Plaintiff Christopher Nelson (“Plaintiff”) and Defendant
2 Wal-Mart Associates, Inc. (“Defendant”) (collectively, the “Parties”), by and through their
3 respective counsel of record, hereby submit this stipulation and proposed order concerning two
4 separate motion deadlines.

5 First, the Parties request and stipulate to extend the time for Plaintiff to file a motion for
6 circulation of notice pursuant to 29 U.S.C. § 216(b). The current deadline for filing a motion for
7 circulation of notice pursuant to 29 U.S.C. § 216(b) is September 1, 2021, with oppositions due
8 October 1, 2021, and replies due October 15, 2021. (ECF 30). The Parties request a three-week
9 extension of time for filing the motion up to and including September 22, 2021, with oppositions
10 due October 22, 2021, and replies due November 6, 2021. The Parties’ request this extension
11 because Plaintiff granted Defendant a corresponding extension of time to respond to written
12 discovery. This is the Parties’ first request for an extension of time.

13 Second, the Parties request and stipulate to set the deadline for F.R.C.P Rule 23 Class
14 certification for December 3, 2021, with oppositions due January 3, 2021, and replies due January
15 17, 2021. This stipulation does not change the deadlines proposed by the Parties in their Amended
16 Joint Case Management Report, which proposed that “Plaintiff shall file his Rule 23 motion for
17 class certification thirty (30) days after the close of pre-certification discovery [which this Court
18 subsequently set for November 3, 2021 (ECF 30)]; Defendant shall have thirty (30) days to
19 oppose; any reply brief shall be filed within fourteen (14) days of the Opposition.” (ECF 29). In
20 its July 6, 2021 Order, this Court set the deadline for “Motions for Conditional Collective and
21 Class Action Certification” to be September 2, 2021. However, there is no conditional
22 certification process for Rule 23 class actions, and the Court did not set a separate deadline for
23 the filing of Plaintiffs’ Rule 23 class certification motion. Unlike motions for conditional
24 certification under 29 U.S.C. § 216(b), which are typically filed early in the procedural posture of
25 a case, motions for class certification under Rule 23 are typically filed after the close of discovery.
26 Accordingly, the Parties submit this request and stipulation to clarify the Court’s order and set a
27 deadline for the filing of Plaintiff’s Rule 23 class certification motion.

This Stipulation is made in good faith and is not intended for purposes of delay.

DATED this 27th day of August, 2021.

DATED this 27th day of August, 2021.

THIERMAN BUCK LLP

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

/s/ Joshua R. Hendrickson

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ORDER

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

August 30, 2021

DATED